

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED
PARTNERSHIP, a New Mexico
Limited Partnership,

Plaintiff,

vs.

Civ. No. 00-655 JC/WWD (ACE)

CONOCO INC., a Delaware
corporation, AMOCO PRODUCTION
COMPANY a Delaware corporation,
and AMOCO ENERGY TRADING
CORP., a Delaware corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte*. I have determined that the Memorandum Opinion and Order entered August 9, 2002 [docket no. 509] was based on the incorrect conclusion that Plaintiff had failed to furnish copies of the discovery in question, the Third Set of Interrogatories and the Sixth [Sic., Seventh] Request for Production of Documents. Accordingly, the Memorandum Opinion and Order entered August 9, 2002 [docket no. 509] shall be vacated and set aside, and the Motion to Compel Production of Documents and Deposition Related to the April 19th Letter to Royalty Owners shall be reconsidered on the merits. The discovery sought is contained in Interrogatories Nos. 8-23 and Requests for Production Nos. 134-143. The same objection, namely “Amoco objects to [the respective interrogatory or request for production] ... on the grounds that it is not relevant to the issues in this case and has been mooted by the Court’s

May 23, 2002 order” is made to interrogatories numbered 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, and 23, as well as requests for production numbered 134, 136, 137, 138, 140, 141, and 142. **Generally, the objections are not well taken either on the ground of relevance or on the ground of being mooted by my Order of May 23, 2002.** Because of the recurring use of the language “in any manner”, Interrogatories numbered 10, 11, 12, and 13, have considerable overlap if not identity in the information they seek; accordingly, I will require Amoco to answer only Interrogatory 10 from this group of four. No further answer will be required to Interrogatories Nos. 8, 9, 15, 18, 19, 20, and 21. Amoco shall make full and complete answers to Interrogatories Nos. 14, 16, 17, 22, and 23. Except for the promised production, no further production will be required for Request for Production Nos. 134, 135, 139, and 141. Amoco shall make full and complete production of the materials sought in Request for Production Nos. 136, 137, 138, 140, 142, and 143. The answers or production called for above shall be made on or before August 26, 2002.

Discovery shall proceed in accordance with the foregoing.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE